

COMMISSION ON JUDICIAL PERFORMANCE
101 Howard Street, Suite 300
San Francisco, CA 94105

Contact: Victoria B. Henley
Director-Chief Counsel
(415) 904-3650

FOR RELEASE
June 3, 1996

JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF JUDGE CHARLES W. STOLL

The Commission on Judicial Performance has publicly admonished Judge Charles W. Stoll of the Los Angeles County Superior Court, North Central District. The admonishment is attached.

The Commission is composed of six public members, three judges, and two lawyers. The Chairperson is the Honorable William A. Masterson of the Court of Appeal, Second Appellate District in Los Angeles.

PUBLIC ADMONISHMENT OF JUDGE CHARLES W. STOLL

The Commission on Judicial Performance has ordered Judge Charles W. Stoll publicly admonished for improper conduct within the meaning of Article VI, Section 18 (d) of the California Constitution, as set forth in the following statement of facts and reasons found by the Commission:

1. Judge Stoll has failed to disqualify himself in cases in which the Walt Disney Company was a litigant although his disqualification was required, based upon his ownership of 1000 shares of Disney stock valued at approximately \$45,000. Code of Civil Procedure section 170.1(a)(3) provides that a judge shall be disqualified if the judge has a financial interest in the subject matter in a proceeding or in a party to the proceeding, and section 170.5(b) provides in pertinent part that “‘financial interest’ means ownership of more than a 1 percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value in excess of one thousand five hundred dollars (\$1,500).” At the time of the judge’s conduct, Canon 3E of the California Code of Judicial Conduct provided that a judge “should disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned or in a proceeding in which disqualification is required by law.”

In Boettcher v. Disney, et al., No. EC 01461, Judge Stoll in 1995 heard and granted a summary judgment motion in favor of defendant Disney. Judge Stoll heard and orally granted the motion on January 27, 1995. On February 1, 1995, after being advised that the plaintiff had filed for bankruptcy protection on January 31, 1995, Judge Stoll signed a written order granting the summary judgment motion and awarding costs to defendant Disney. Judge Stoll dated the order January 27, 1995; the January 27, 1995 date was also file-stamped upon the order.

In Wethington-Everist v. Cuaron, et al., No. EC 009570, on March 5, 1993, Judge Stoll granted defendant Disney’s motion to compel discovery and defendant Disney’s request for sanctions of \$750 against the plaintiff. On May 7, 1993, Judge Stoll granted defendant Disney’s motion to dismiss the plaintiff’s case based upon the plaintiff’s failure to comply with prior orders.

In Gonzales v. Disney, No. EC 001852, on July 20, 1992, Judge Stoll ordered plaintiff’s counsel to pay \$250 in sanctions for failure to appear at a status conference and scheduled a hearing on an order to show cause re dismissal for September 1, 1992. On December 1, 1992, after the plaintiff and plaintiff’s counsel had failed to appear for the hearing on the order to show cause, Judge Stoll entered judgment dismissing the plaintiff’s complaint with prejudice.

In Tripp v. Disney, No. EC 00496, on December 14, 1992, Judge Stoll dismissed the plaintiff’s complaint when the plaintiff and plaintiff’s counsel failed to appear for a status conference. On January 22, 1993, Judge Stoll heard and granted a motion to vacate the dismissal. On April 27, 1993, Judge Stoll ordered the case transferred to the Burbank Municipal Court on the basis of his determination that the amount in controversy was below the jurisdictional limit for superior court.

The commission found that Judge Stoll's explanation that he had failed to familiarize himself with the provisions of Code of Civil Procedure Section 170.5(b) served to aggravate, rather than mitigate, his misconduct in failing to disqualify.

2. On January 17, 1995, and February 3, 1995, Judge Stoll wrote two letters on court letterhead to a collection service regarding a claim against a member of the judge's family which became the subject of litigation, in an effort to influence the recipient. Judge Stoll's conduct was contrary to Canon 2B of the Code of Judicial Conduct, which at the time of the judge's conduct provided that a judge "should not lend the prestige of judicial office to advance the private or personal interests of the judge or others...."